

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY SIMMONS,)	
)	
Petitioner,)	No. C 07-2339 CRB (PR)
)	
v.)	ORDER
)	
BEN CURRY, Warden,)	
)	
Respondent.)	
_____)	

Per order filed on June 12, 2007, the court dismissed this habeas action without prejudice for failure to pay the requisite \$5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application. Petitioner had been advised that failure to file the requested items within 30 days would result in dismissal of the action.

Petitioner claims he asked prison authorities to send in \$5.00 on his behalf; however, no such payment has been received in the two months following the dismissal. Because the dismissal was without prejudice, petitioner should submit a new habeas petition accompanied by the requisite filing fee or court-approved in forma pauperis application.

SO ORDERED.

DATED: 08/16/07



CHARLES R. BREYER
United States District Judge